

# FBFG | Finkelstein, Blankinship, Frei-Pearson & Garber, LLP

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July 1, 2014

## VIA ECF FILING AND E-MAIL TRANSMISSION

The Honorable Robert E. Gerber  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
Alexander Hamilton Custom House  
One Bowling Green  
New York, New York 10004

**Re: In re Motors Liquidation Company, et al. Case No. 09-50026 (REG)  
Phaneuf No Stay Pleading**

Dear Judge Gerber:

We are counsel for plaintiffs in *Phaneuf v. General Motors LLC*, No. 1:14-cv-3298 (S.D.N.Y.). The *Phaneuf* plaintiffs are and assert claims solely on behalf of people who purchased GM vehicles *after* GM emerged from bankruptcy. These plaintiffs are therefore not subject to the Sale Order, Release or Injunction.

This Court is scheduled to hear argument on our clients' No Stay Pleading tomorrow morning. We write regarding the letter submitted earlier today by General Motors LLC ("GM") regarding the effect of the District Court's June 20, 2014 Order (the "June 20 Order"; attached to GM's letter as Exhibit A).

Contrary to GM's assertion, the District Court's June 20 Order does not require post-bankruptcy purchasers like the *Phaneuf* plaintiffs to proceed on "the same timeline" as pre-bankruptcy purchasers in this Court. The District Court's June 24, 2014 Order (the "June 24 Order"; attached to GM's letter as Exhibit B) made clear that the District Court contemplates the possibility of separate litigation tracks for pre- and post-bankruptcy purchasers.

The June 24 Order seeks briefing as to "whether, and to what extent, discovery (or anything else in this action) should be coordinated with the proceedings now pending or contemplated before the United States Bankruptcy Court for the Southern District of New York." (June 24 Order at 10). The District Court also requested briefing regarding "whether the Court should await a ruling by the United States Bankruptcy Court for the Southern District of New York on General Motors's motion to enforce before appointing lead and liaison counsel or proceed now (with the possibility that the Court would amend the

This Court should hold that the *Phaneuf* plaintiffs—as post-bankruptcy purchasers—are not subject to any stay, injunction, or release. By doing so, the Court will provide significant, useful guidance to the District Court as that Court determines the schedule and leadership arrangements that will govern the claims of post-bankruptcy purchasers.

Sincerely,

*Todd S. Garber /with permission by Christoph A. Becker*

Todd S. Garber

cc: Jeffrey C. Block  
Arthur Steinberg